

EXHIBIT 1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

EXAMINER: R. ROSENBERGER : ATTY DOCKET: GK-BIO-282C2  
APPLICANT(S): E. W. STARK : GROUP ART UNIT: 2505  
SERIAL NO.: 08/385,073 : FILED: 02/07/95  
TITLE: METHOD AND APPARATUS FOR OPTICAL INTERACTANCE AND  
TRANSMITTANCE MEASUREMENTS

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Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION UNDER 37 CFR § 1.131**

SIR:

I Karl Norris hereby declare the following:

I have been educated as an agricultural engineer having received my Bachelor of Science in Engineering from Penn State University in 1942. Since graduation, among other endeavors, I have been involved in research involving measurements of specimens using infrared illumination. I was co-author of a paper published in 1984 entitled "A New Approach for the Estimation of Body Composition: Infrared Interactance," American Journal of Clinical Nutrition, Vol. 40, pp 1123-1130. I was also the Director of the USDA Agricultural Research Service Instrumentation Research Laboratory in Beltsville, MD until I retired in 1988. I make this Declaration in support of the above application of Mr. Edward Stark.

During a period prior to December 15, 1989, I was in direct contact with Edward Stark and we discussed numerous matters involving measurements of specimens illuminated by electromagnetic energy. Mr. Stark informed me during that period about a new invention of his for interactance measurements of specimens using a multiple ring probe arrangement. The first version contained multiple detection and source rings allowing flexible configuration of the interactance measurement. The dual ring arrangement had either a central source of illumination with surrounding detector rings or outer rings of illumination with a central detector. The principal purpose of the probe was to develop two or more independent signals of a sample, particularly for interactance measurements, for further processing and analysis.

During a period prior to December 15, 1989, I witnessed several sketches of the dual ring and probe and also traveled with Mr. Stark to Fostek, Inc., and Volpi Manufacturing USA, both in Auburn, NY where Mr. Stark explained his invention to others.

I, Karl Norris, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Karl H. Norris  
Signature of Declarant

Nov. 17, 1996  
Date